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10/764,011	01/23/2004	Leo M. Pedlow JR.	SNY-T5710.01	8949
24337 7590 09/03/2009 MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606				
EXAMINER CHIN, RICKY				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed August 6, 2009 have been fully considered but they are not persuasive.

With regards to claims 1-19 the applicant argues that the combination of Tiwari and Zdepski teaches away against the use of Tiwari's indices. It is noted that Zdepski teaches away from the use of Tiwari's indices and thus the examiner had relied on Tiwari's teachings of use of indices as well as the teachings of the indices in applicants admitted prior art of Figs. 2A and 2B. Thus, the teaching away of indices of Zdepski is moot since Zdepski is only being introduced in combination with Tiwari for the storing of the duplicate frames of the content in a second file which are intra-coded frames and no longer for the use of indices as conveyed in the rejection of claim 1.

Applicant further argues that Tiwari teaches against applicants Fig.2 and Zdepski's trick play files which would destroy Tiwari's main function. Applicant conveys this by stating that Tiwari (col. 1 lines 43-46) teaches that use of trick play files containing I-frames from the main content file causes "jerky picture quality" and therefore solves the problem by selecting every nth and converting that picture (if B or P pictures) to an I picture. However, in doing so, it is implied that conversion to an I-frame is not necessary when the nth picture is not a B or P picture and therefore should be reasonably expected that the nth frame may be an I-frame. Hence, although it is disclosed that trickplay files containing I-frames from the main content file causes jerky quality picture, it is also realized that the

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presence of the I-frames in the trickplay files cannot be totally avoided. Furthermore, for varying speeds of fast forward or fast reverse where the frequency of the nth picture selected and converted is varied such that for every 3rd or for every 9th picture it should also be reasonably expected that multiple I-frames of the main content file be present in the trickplay file. Thus, the proposed modification of including I-frames from the main content file into the trickplay file of Zdepski or Applicant admitted prior art does not render the prior art of Tiwari unsatisfactory for its intended purpose since the prior art of Tiwari does not completely avoid the presence of the I-frames of the main content file and reasonable expects the presence of multiple I-frames of the main content file in the trickplay file. Moreover, applicants admitted prior art as disclosed in Fig.2-2B elements 78 and 80 and [0050] and [0051] may also be solely relied on for the claim limitations of the storing of the indices and of storing the intra-coded frames of the main content file into a second file without relying on or modification from Zdepski or Tiwari.

With regards to claims 19-27 and 44, Applicant argues that the proposed combination of Tiwari and Lev destroys the intended function of the Tiwari reference since Tiwari explicitly wishes to avoid the use of the content's inter-coded frames directly so as to not produce jerky trick play and there creates another set of pictures for trick play. The examiner respectfully disagrees. Nowhere does Tiwari disclose avoiding the use of the content's inter-coded frames directly. Rather, Tiwari discloses of converting every nth picture of the original stream (if B or P pictures) to an I picture. Thus, putting to use the inter-

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coded frames of the original picture stream and not avoiding the use of the contents inter-coded frames (See col.1 lines 40-60 and col.4 lines 10-32). Moreover, the use of the inter-coded frames is used for the trickplay of normal playback mode (See Tiwari, col.5 lines 35-41 which discloses normal playback being resumed which would necessitate the user of inter-coded frames in order to be able to watch the stream in normal mode. Also refer to Lev, col. 4 lines 50-64 which discloses normal play mode consisting of the need to use the complimentary (inter-coded frames) in order to facilitate normal play mode). Thus, the proposed combination of Tiwari and Lev does not destroy the intended function of the Tiwari reference since the stored inter-coded frames of the original picture stream are directly necessitated in order for the ancillary stream to be created as well as for being able to facilitate the trickplay function of normal playback mode.

Hence, for the reasons stated above, the rejections are maintained.

Contact

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Chin whose telephone number is 571-270-3753. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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